



PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q65548

Yasumichi KUWAYAMA , et al.

Appln. No.: 09/910,872

Group Art Unit: 2833

Confirmation No.: 4044

Examiner: Ross N. Gushi

Filed: April 24, 2001

For: ELECTRIC CONNECTING TERMINAL

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits this Reply Brief in response to the Examiner's Answer dated December 6, 2005. Entry of this Reply Brief is respectfully requested.

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STATUS OF CLAIMS

The Status of the claims, as set forth in the Appeal Brief remains unchanged.

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GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on Appeal remain unchanged, and are as set forth in the Appeal Brief.

ARGUMENT

Appellant submits that claims 1, 2, 6, 7, 9 and 10 are patentable over Byczek in view of Narozny for at least the reasons set forth in the Appeal Brief, filed October 4, 2004.

However, in addition to Appellant's arguments set forth in Appellant's Appeal Brief, Appellant addresses herein the Examiner's arguments and assertions set forth in the Examiner's Answer dated December 6, 2004.

Specifically, in the Examiner's Answer, the Examiner states that:

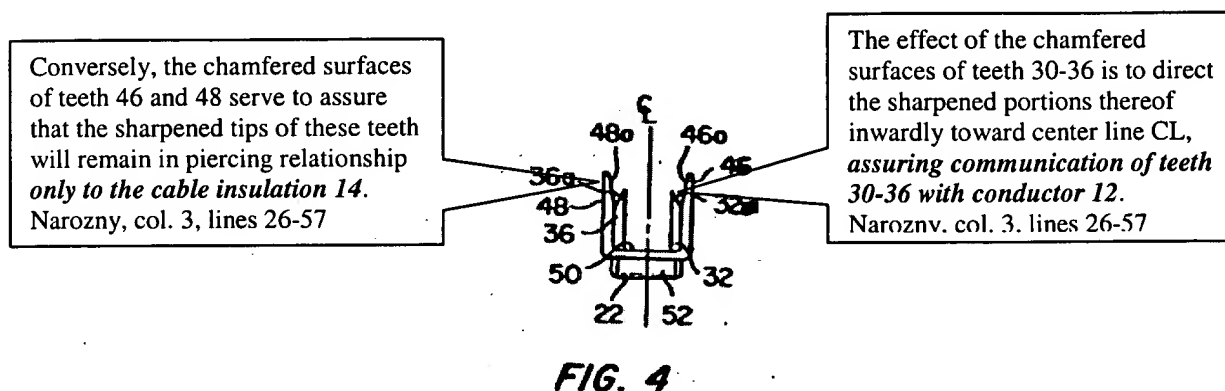
Narozny is relied on by the examiner for the teaching that the tapering of the inner and outer surfaces is useful for directing the teeth inwardly and outwardly as desired, whether through the conductor or not. Narozny teaches that one would have tapered the inner and outer surfaces as desired to control the deflection direction of the teeth as they passed through the cable, whether through the conductor or not.

Examiner's Answer, page 5.

Appellant does not disagree that Narozny teaches that the direction of the taper may affect the deflection direction of the teeth. However, Appellant does disagree with the import and application of this teaching, as applied by the Examiner. In fact, Appellant submits that this very teaching supports Appellant's position and evidences why Narozny teaches away from the present invention, as opposed to directing a skilled artisan to the present invention.

As the Examiner has noted, Narozny teaches a skilled artisan that the direction of the taper may affect the deflection direction of the penetrating member. Specifically, Narozny teaches that if you wish to have a penetrating member penetrate both a conductor and the insulation, one must form the tapered portions on the outside of the penetrating portions. *See*

Narozny, Figure 4 and col. 3, lines 26-57. Conversely, Narozny also teaches that if you wish to only ensure penetration of the insulation (and avoid penetrating the conductor), one must form the tapered portions on the inside surface. *See id.* (See also below).



Now turning to Byczek, as discussed in Appellant's Appeal Brief, Byczek teaches that the tangs 28, 30 and 32 are used to pierce entirely through the conductor 16 and be crimped on the opposite side of the dielectric material. *See Byczek.* Thus, if a skilled artisan were to have both the Byczek and Narozny references in hand, and wish to ensure that the tangs 28, 30 and 32 did indeed penetrate the conductor 16, as Byczek desires, the skilled artisan would use the teachings of Narozny to place the tapered portions on the outside edges of the tangs. This is because Narozny makes it clear to a skilled artisan that to ensure penetration through a conductor one must place the tapered portions on the outside edges.

Stated differently, if a skilled artisan wished to ensure conductor penetration, that skilled artisan would not taper the inside edges because Narozny teaches that to do so would assure that "the sharpened tips of these teeth will remain in piercing relationship only to the cable insulation 14." Narozny, col. 3, lines 26-57 (emphasis added). This is completely contrary to the teachings

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and desires of both Byczek and the present invention. One of ordinary skill in the art would not ignore the clear teachings of Narozny and place tapered edges on the inside of penetrating portions that the skilled artisan wishes to have penetrate the conductor.

In view of the foregoing and Appellant's arguments set forth in Appellant Appeal Brief, filed October 4, 2004,, Appellant submits that neither Byczek or Narozny, taken individually or in combination, teach or suggest each and every feature of the claimed invention, either individually or in combination. As such, the Examiner has failed to establish a *prima facie* case of obviousness with respect to claims 1, 2, 6, 7, 9 and 10. Therefore, the rejection of these claims under 35 U.S.C. § 103(a) is improper and should be reversed.

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

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